

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 1:24-cv-20373

CHALERMPHOL HARNCHAKKHAM,

Plaintiff,

v.

SHEIN DISTRIBUTION CORP.,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff CHALERMPHOL HARNCHAKKHAM aka HueBucket (“Harnchakkham” or “Plaintiff”), by and through his undersigned counsel, brings this Complaint against Defendant SHEIN DISTRIBUTION CORP. (“Defendant” or “Shein”), for damages and injunctive relief, and in support thereof states as follows:

JURISDICTION AND VENUE

1. This is an action arising under the Copyright Act, 17 U.S.C. § 501.
2. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C.

§§ 1331, 1338(a).

3. Defendant is subject to personal jurisdiction in Florida.

4. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a)

because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, and Defendant is subject to personal jurisdiction in this district.

PLAINTIFF

5. Plaintiff CHALERMPHOL HARNCHAKKHAM aka HueBucket is a Bangkok-based artist and a self-taught illustrator. His unique artwork is inspired by different things and animals, especially pugs, French bulldogs, fitness and dreams. HueBucket creates art to express himself and he enjoys making people smile with his artwork. His illustrations are printed on different lifestyle products, and are also displayed on canvases and various other types of prints, featured under the brand name HueBucket. Plaintiff's artwork and lifestyle products with printed illustrations are sold on different online art sites and marketplaces such as Amazon.com, Casetify.com, Displate.com, Society6.com, Designbyhuman.co.uk, Redbubble.com, and Threadless.com.

THE DEFENDANT

6. Defendant SHEIN DISTRIBUTION CORP. ("SDC") is a Delaware corporation that is doing business within the State of Florida.

7. Defendant does business in the U.S. as "Shein." Shein is known as the largest and fastest growing "fast fashion giant" retailers in the world.

8. At all times relevant herein, Defendant's parent company Roadget Business Pte. Ltd. owned and operated the internet website in the U.S. located at the URL www.us.shein.com (the "Website").

9. Shein was founded in 2008 and became successful for offering and distributing products at extremely low prices, and for rapidly producing products meeting the latest trends.

10. Shein was incorporated in 2021 in Delaware. Shein has quadrupled its revenue over the past three years reaching \$15.7 billion dollars in sales and is seeking a \$100 billion dollars in valuation of its company. That is, Defendant profits by flooding the market with

cheap, infringing products with little regard for the intellectual property rights of others. Shein reportedly adds over 1,000 new styles to its website every single day.

THE COPYRIGHTED WORK AT ISSUE

11. In 2014, Plaintiff created the work known as “The Great Wave of Pugs.” This work is shown below and referred to herein as the “Work.”



12. The Work was registered with the Register of Copyrights on November 14, 2022 and was assigned registration number VA 2-327-345. The Certificate of Registration is attached hereto as **Exhibit 1**.

13. Harnchakkham’s Work is protected by copyright but is not otherwise confidential, proprietary, or a trade secret.

14. At all relevant times, Harnchakkham was the owner of the Work at issue in this case.

INFRINGEMENT BY DEFENDANT

15. Defendant has never been licensed to use the Work at issue in this action for any purpose.

16. On a date after the Work at issue in this action was created, but prior to the filing of this action, Defendant copied the Work.

17. On January 17, 2023, Harnchakkham notified Defendant of the copyright infringement shown on Shein's listing with SKU No. swtee23210531662.

18. The listing with SKU No. swtee23210531662 was subsequently removed from the Website.

19. On July 12, 2023, Harnchakkham notified Defendant of a separate copyright infringement shown on Shein's listing with SKU No. sh2304219980838057.

20. The listing with SKU No. sh2304219980838057 was subsequently removed from the Website.

21. Defendant copied the Work twice without Harnchakkham's permission.

22. After Defendant copied the Work, they made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its fast fashion business.

23. Defendant copied Harnchakkham's copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

24. Defendant committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

25. Harnchakkham never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.

26. Harnchakkham notified Defendant of the allegations set forth herein on January 17, 2023 and again on July 12, 2023. To date, Defendant has failed to resolve the parties' dispute.

COUNT I
COPYRIGHT INFRINGEMENT

27. Harnchakkham incorporates the allegations of paragraphs 1 through 22 of this Complaint as if fully set forth therein.

28. Harnchakkham owns a valid copyright in the Work at issue in this case.

29. Defendant copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Plaintiff's authorization in violation of 17 U.S.C. § 501.

30. Defendant performed the acts alleged in the course and scope of its business activities.

31. Defendant's acts were willful.

32. Harnchakkham has been damaged.

33. The harm caused to Harnchakkham has been irreparable.

WHEREFORE, the Plaintiff Chalermphol Harnchakkham prays for judgment against the Defendant Shein Distribution Corp. that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501, or at Plaintiff's election, statutory damages as provided in 17 U.S.C. § 504;

- b. Defendant be required to pay Plaintiff his actual damages and Shein's profits attributable to the infringement;
- c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. Plaintiff be awarded pre- and post-judgment interest; and
- e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: January 31, 2024

Respectfully submitted,

/s/ Layla T. Nguyen

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